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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,386	09/23/2003	Peter T. Aylward	86624LMB	2499

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EXAMINER

SCHILLING, RICHARD L

ART UNIT

PAPER NUMBER

1752

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,386

Applicant(s)

AYLWARD ET AL.

Examiner

Richard L. Schilling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 28-40 and 43-46 is/are rejected.
- 7) ☒ Claim(s) 26, 27, 41 and 42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9-23-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Claims 28 and 43-46 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In claim 28 there is no antecedent basis for the term "said polymer". In claims 43-46 there is no antecedent basis for the term "said imaging layer" since parent claim 1 does not set forth an imaging layer.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in (1) an application for patent, published under Section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application

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designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-6, 8-13, 16-20, 23, 24, 28-36, 38 and 43-46 are rejected under 35 U.S.C. § 102(e) as being fully met by Kaminsky et al. Kaminsky et al. (see particularly paragraphs 11, 12, 14, 18, 19, 26-31, 38, 40, 65, 76, 93) disclose articles comprising supports, patterns of plurality of polymer conductive channels and imaging layers, e.g. ink jet receivers and liquid crystal imaging layers. Polythiophene is the preferred conductive polymer.

3. Claims 1, 4-6, 8-12, 14, 16, 19, 20, 23, 24, 29 and 33-35 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Marietti et al. Marietti et al. (see particularly paragraphs 8,

9, 26, 34, 36; Examples 1-3) disclose supports with patterns of thin film transparent coatings of metal or semiconductive material which are conductive. The conductive patterns are inherently anti-static patterns. Coatings of varied thicknesses are disclosed.

4. Claims 1, 4-11, 13, 16, 19, 20, 23, 24, 28-36, 39, 43 and 44 are rejected under 35 U.S.C. § 102(e) as being fully met by Bellmann et al. Bellmann et al. (see particularly paragraphs 30-42, 87; Figure 3) discloses receptor substrates patterned with electrodes of conductive polymers. Figure 3 shows a device comprising a support and a pattern of stripes of conductive anodes and cathode stripes perpendicular to the anode stripes.

5. Claims 1, 2, 4-6, 8-14, 16-20, 23, 24, 28-36 and 43-46 are rejected under 35 U.S.C. § 102(e) as being fully met by Bourdelais et al. Bourdelais et al. (see particularly paragraphs 20-23; 29, 30, 39, 42-49, 54, 56, 86, 91) discloses articles comprising supports, patterns of conductive channels and optionally imaging layers, e.g. ink jet or liquid crystal display layers. The channels may comprise two conductive layers and the conductive layers are preferably polymers.

6. Claims 1-20, 23, 24, 28, 29, 33-36, 37 and 40 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cloots et al.

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Cloots et al. (see particularly column 1, lines 50-58; column 2, line 33 - column 3, line 51; column 4, lines 16-68; column 6, lines 22-31) disclose articles comprising supports and patterns of conductive thiophene polymer.

7. Claims 1, 4-11, 16, 22, 23, 28, 29, 31, 33 and 35 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Van Paesschen et al. Van Paesschen et al. (see particularly column 7, lines 7-61; Example 6) discloses polyester supports with antistatic conductive stripes and imaged and processed silver halide layers. If Van Paesschen et al. do not anticipate the instant claims, then it would at least be obvious to one skilled in the art to use the disclosed magnetic stripes over the disclosed anti-halation layers.

8. Claims 1, 2, 4-11, 16, 19, 22, 23, 28-37, 40 and 43-46 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yuyama et al. Yuyama et al. (see particularly column 2, line 49 - column 3, line 10; column 3, lines 45-57; column 4, lines 35-50; column 5, lines 10-33; Example 2) disclose articles with protective stripes containing conductive antistatic compounds on the image or backside of supports. The imaging elements are silver halide or electrophotographic imaging elements. It would at least be

obvious to one skilled in the art to add the disclosed antistatic agents to the protective stripes in Yuyama et al.

9. Majumdar et al. '033 is cited of interest in the art as disclosing antistatic layers on foam core supports. Majumdar et al. '619 is cited of interest in the art as disclosing polyether antistatic layers. Andriessen and Mutsaers et al. are cited of interest in the art as disclosing conductive polymer patterns on substrates. International Publication 97/18944 is cited of interest in the art as disclosing conductive polymer patterns on supports. Gardner et al. is cited of interest in the art as disclosing conductive polymer patterns, stripes or dots on supports. The prior art cited by applicants has been considered.

10. Claims 26, 27, 41 and 42 are objected to as depending on rejected claims but would be allowable if written in proper independent form. The applied prior art does not suggest or disclose the use of voided or foam supports for their conductive patterns. The prior art also does not disclose the use of conductive patterns in imaging elements comprising light sensitive microcapsules.

11. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (571) 272-1335.

Serial No. 10/668,386

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RLSchilling:cdc

May 17, 2005

RICHARD L. SCHILLING
PRIMARY EXAMINER
GROUP ~~1400~~ 1752

